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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/609,722	06/30/2000	Lalitha Agnibotri	000142	2694

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS
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EXAMINER

TRAN, THAI Q

ART UNIT

PAPER NUMBER

2615

DATE MAILED: 05/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/609,722

Applicant(s)

AGNIBOTRI ET AL.

Examiner

Thai Tran

Art Unit

2615

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 August 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2 and 4-5</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-24 are rejected under 35 U.S.C. 102(e) as being anticipated by Wood et al (US 6,324,338 B1).

Regarding claim 1, Wood et al discloses, for use in a video recording device capable of storing a plurality of video program on a disk drive, a video memory manager (Fig. 1) comprising:

a video memory controller (a processor 101 of Fig. 1, col. 2, lines 39-45 and col. 4, lines 31-50) capable of detecting that said disk drive does not contain sufficient storage space to store a next-to-be-recorded program, wherein said video memory controller, in response to said detection, determines a first retention score associated with a first one of said plurality of video programs and a second retention score associated with a second one of said plurality of video programs, wherein said first and second retention scores indicate a desirability of retaining said first and second video programs respectively, and wherein said video memory controller deletes a least desirable one of said first and second video programs (show may be selected for

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removal if it is a lower priority than the show to be recorded and other criteria may also be used disclosed in col. 4, lines 31-50).

Regarding claim 2, Wood et al also discloses the claimed wherein said video memory controller replaces said deleted least desirable video program with a program abstract identifying and describing said deleted least desirable video program (if the show to be recorded is, for example, a new episode of the situation comedy, the earliest episode of the situation comedy in the personal channel may be deleted disclosed in col. 4, lines 46-50).

Regarding claim 3, Wood et al discloses the claimed wherein said video memory controller compresses said least desirable video program prior to deleting said least desirable video program (the video compressor/decompressor 112 of Fig. 1, col. 3, lines 59-62).

Regarding claim 4, Wood et al discloses the claimed wherein said video memory controller deletes said compressed least desirable video program if said video memory controller determines that said disk drive still does not contain sufficient storage space to store said next-to-be-recorded program after compression of said least desirable video program has occurred (the video compressor/decompressor 112 of Fig. 1, col. 3, lines 59-62 and the deleting of show base on priority and other criteria disclosed in col. 4, lines 31-50).

Regarding claim 5, Wood et al also discloses the claimed wherein said video memory controller determines said first and second retention scores according to a

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plurality of factors associated with said first and second video programs (Critical Database disclosed in col. 4, line 58 to col. 6, line 67).

Regarding claim 6, Wood et al discloses the claimed wherein said plurality of factors comprises at least one of:

a user-entered rank ordering associated with said first and second video programs;

relative fairness of deleting said first video if said first video is associated with a first user of said video recording device and said second video is associated with a second user of said video recording device;

relative freshness of said first and second video programs;

relative durations of said first and second video programs compared to a duration of said next-to-be-recorded program (the earliest episode of the situation comedy in the personal channel may be deleted disclosed in col. 4, lines 47-50);

relative similarity of a category of said first video program and a category of said second video program compared to a category of said next-to-be-recorded program (the earliest episode of the situation comedy in the personal channel may be deleted disclosed in col. 4, lines 47-50); and

at least one of: 1) a program genre ratings associated with said first and second video program; 2) a number of times a television series associated with said first video program has been view; and 3) a program rating derived from at least one of: A) a user rating; and B) a rating retrieved from a program guide (user rating disclosed in col. 6, lines 21-39).

Regarding claim 7, Wood et al discloses a video recording device (Fig. 1) comprising:

a disk drive (video storage 105 of Fig. 1, col. 3, lines 28-37) capable of storing a plurality video programs;

a video recording controller (video storage 105 of Fig. 1, col. 3, lines 28-37 and 53-58) capable of receiving incoming video programs from an external source and storing said received incoming video programs on said disk drive; and

a video memory controller capable of detecting that said disk drive does not contain sufficient storage space to store a next-to-be-recorded program, wherein said video memory controller, in response to said detection, determines a first retention score associated with a first one of said plurality of video programs and a second retention score associated with a second one of said plurality of video programs, wherein said first and second retention scores indicates a desirability of retaining said first and second video programs respectively, and wherein said video memory controller deletes a least desirable one of said first and second video programs (a processor 101 of Fig. 1, and show may be selected for removal if it is a lower priority than the show to be recorded and other criteria may also be used disclosed col. 2, lines 39-45 and col. 4, lines 31-50).

Claims 8-12 are rejected for the same reasons as discussed in claims 2-6 above.

Method claims 13-18 are rejected for the same reasons as discussed in corresponding apparatus claims 1-6.

The computer-readable storage medium claims 19-24 are rejected for the same reasons as discussed in corresponding apparatus claims 1-6 and the program logic memory 102 disclosed in col. 2, lines 39-55.

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

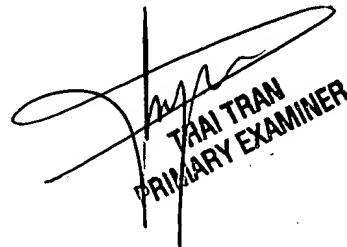
The cited references relate to data storage management system.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thai Tran whose telephone number is (703) 305-4725. The examiner can normally be reached on Mon. to Friday, 8:00 AM to 5:30 PM.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TTQ



THAI TRAN
PRIMARY EXAMINER